



POSTAL REGULATORY COMMISSION  
Washington, DC 20268-0001

Office of the Secretary

August 23, 2013

Richard E. Barber, Sr.  
11 Seely Run Road  
Somerset, NJ 08873

Dear Mr. Barber:

By letter postmarked August 13, 2013, you, along with Remi Onashile and Vincent Pecce, appealed the Postal Service's decision to close the Franklin station located in Somerset, New Jersey. Your appeal, along with another appeal also postmarked August 13, 2013, was assigned Docket No. A2013-10 and was posted on the Commission's website on August 21, 2013.

Your letter contains attachments, including the Postal Service's Final Determination to close the Franklin station, which indicates it was posted on July 12, 2013 and removed on August 13, 2013.

By statute, an appeal of a Postal Service decision to close a post office is due no later than 30 days after the Final Determination is "made available" to persons served by the facility being closed. See 39 U.S.C. § 404(d)(5). That standard is satisfied by the Postal Service by its posting of the Final Determination in the subject facility.

In this instance, the Postal Service provided notice of its decision to close the Franklin station on July 12, 2013. Therefore, an appeal of that decision was due on or before August 11, 2013. As your appeal was postmarked August 13, 2013 (as was the other appeal), it falls outside of the 30-day statutory deadline for receipt of appeals.

As a consequence, Docket No. A2013-10 is closed.

By the Commission;  
Chairman Goldway dissenting.

A handwritten signature in blue ink, appearing to read "Shoshana M. Grove".

Shoshana M. Grove  
Secretary

cc: Remi Onashile  
Vincent Pecce